



Attorney Docket # 4452-595

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Matthias DIEMER et al.

Serial No.: 10/725,736

Filed: December 1, 2003

For: Clutch Disk for a Friction Clutch

Examiner: Lorence, R. M.

Group Art: 3681

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 18, 2005
(Date of Deposit)

F. Brice Faller

Name of Applicant, assignee or Registered Representative

F. Brice Faller
Signature

March 18, 2005
Date of Signature

Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT

SIR:

Responsive to the restriction requirement in the Office Action dated March 4, 2005, applicants hereby elect the species of Figures 7 and 8 for prosecution, in the event that no generic claim is finally held to be allowable.

Claims 1-3, 8, 9, 11, 14, 20, and 21 read on the species shown in Figures 7 and 8.

The restriction requirement with respect to the species shown in Figure 15 is traversed for the reasons following.

In order for a restriction requirement to be proper, 35 U.S.C. §121 requires that two or more independent AND distinct inventions be claimed in a single application. Thus, more is necessary to support a restriction requirement than a showing that two or more disclosed subjects are patentable over each other (distinctness).

The term "independent" (i.e., not "dependent") means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect, for example, species under a genus *which species are not utilizable together as disclosed*. See MPEP 802.01.

Turning to the embodiments disclosed in the present application, Figures 7 and 8 show elements of structure in a clutch disk including a restoring arrangement which preloads a friction lining element against circumferential displacement with respect to a carrier. This arrangement includes leaf springs 52. Figure 15 shows a spring 52 provided with retaining elements 118, which are claimed in claims 15 and 16.

Since the features covered by claims 15 and 16 and shown in Figure 15 could be used with the features shown in Figures 7 and 8, the features shown in Figure 15 are not independent. Therefore, the requirement for restriction as to these features is not proper, and these claims should be examined if no generic claim is finally held to be allowable. See also MPEP 806.04 (f).

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It is accordingly requested that the restriction requirement with respect to the species of Figure 15 be withdrawn, because the subject matter shown in Figure 15 is not independent as required by 35 U.S.C. §121. If any restriction requirement is maintained, it is requested that such requirement be fully supported in accordance with MPEP Chapter 8.

If any fees or charges are required at this time in connection with the application, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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